

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:08cv182

(3:07cr54)

MITCHELL GATEWOOD

vs.

UNITED STATES OF AMERICA

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ORDER

THIS MATTER comes before the Court upon its own motion. An evidentiary hearing has been scheduled on the limited issue of whether former counsel failed to file an appeal when requested to do so raised in Petitioner's Motion to Vacate, Set Aside, or Correct Sentence.

Rule 8(c) of the Rules Governing Section 2255 Proceedings requires the appointment of counsel for such a hearing if the petitioner qualifies under 18 U.S.C. § 3006A. Petitioner qualified for appointed counsel in his criminal proceeding and the Court is not aware of any change in Petitioner's financial status.

THEREFORE, IT IS HEREBY ORDERED that the Community Defender shall designate counsel promptly to represent Petitioner at the evidentiary hearing on the limited issue of whether former counsel failed to file an appeal when requested to do so, scheduled for August 26, 2008, at 9:30 a.m.

The Clerk is directed to certify copies of this Order to Petitioner, the Community Defender, and to the United States Attorney.

Signed: August 1, 2008



Robert J. Conrad, Jr.
Chief United States District Judge

